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**EPA REGION 8**

**CLARIFICATION OF THE DEFINITION OF**

**STORM WATER DISCHARGES**

**ASSOCIATED WITH INDUSTRIAL**

**ACTIVITY**

**AND**

**SMALL CONSTRUCTION ACTIVITY**

Updated August 2003



*Printed on Recycled Paper*

This document was created by EPA Region 8, and is intended to provide clarification to the definition of “storm water discharge associated with industrial activity” and “storm water discharge associated with small construction activity” as written in the Code of Federal Regulations (CFR) at 40 CFR §122.26(b)(14) (November 16, 1990 Federal Register, page 48065), and 40 CFR §122.26(b)(15) (December 8, 1999 Federal Register, page 68721). This industrial definition is part of the Phase I storm water rule and was modified by the Phase II rule.

**A facility is required to apply for, and obtain a permit, if it is identified by: 1) categories (i) through (xi) of the definition (see page 3), or 2) the definition of “small construction” (see page X); and they have a “point source” discharge (see page 8) of storm water to “waters of the United States” (see page 9), or that discharge through municipal separate storm sewer systems.**

The term "storm water discharge associated with industrial activity" means the discharge from any conveyance which is used for collecting and conveying storm water and which is directly related to manufacturing, processing, or raw materials storage areas at an industrial plant (as defined by the 11 categories). The term does not include discharges from facilities or activities excluded from the NPDES program under 40 CFR part 122. For the categories of industries identified in this section, starting on page 3, the term includes, but is not limited to:

(These are applicable areas)

- storm water discharges from industrial plant yards;
- immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility;
- material handling sites;
- refuse sites;
- sites used for the application or disposal of process waste waters (as defined at 40 CFR part 401);
- sites used for the storage and maintenance of material handling equipment;
- sites used for residual treatment, storage, or disposal;
- shipping and receiving areas;
- manufacturing buildings;
- storage areas (including tank farms) for raw materials, and intermediate and final products; and
- areas where industrial activity has taken place in the past and significant materials remain and are exposed to storm water.

For the purposes of this definition, **material handling activities include** storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, final product, by-product or waste product. ***The term excludes** areas located on plant lands separate from the plant's industrial activities, such as office buildings and accompanying parking lots as long as the drainage from the excluded areas is not mixed with storm water drained from the areas described above.*

Industrial facilities may qualify for an exclusion from storm water permitting if the operator can certify that there is “no exposure” to storm water of industrial materials or activities at any of the areas listed above. If the facility operator can certify that a condition of no exposure exists, he/she must complete a no exposure certification form and send it to the permitting

authority. No exposure must be re-certified by the facility operator every 5 years from the anniversary date of when the form was first submitted. Large and small construction activities, and facilities designated by the permitting authority, cannot qualify for this exclusion. See the discussion of no exposure on page 8 for more information.

**THE ELEVEN CATEGORIES DEFINED AS ASSOCIATED WITH  
INDUSTRIAL ACTIVITY  
(40 CFR §122.26(b)(14)):**

*The paragraphs or sentences in italics following each of the 11 Roman numerals (e.g., (i)) is the same wording as in the regulation. All other wording is intended to provide additional information.*

- (i) *Facilities subject to storm water effluent limitations guidelines, new source performance standards, or toxic pollutant effluent standards under 40 CFR subchapter N (except facilities with toxic pollutant effluent standards which are exempted under category (xi));*

Effluent limitations guidelines that include storm water:

40 CFR 411	Cement Manufacturing
40 CFR 412	Feedlots
40 CFR 418	Fertilizer Manufacturing
40 CFR 419	Petroleum Refining
40 CFR 422	Phosphate Manufacturing
40 CFR 423	Steam Electric Power Generating
40 CFR 434	Coal Mining
40 CFR 436	Mineral Mining and Processing
40 CFR 440	Ore Mining and Dressing
40 CFR 443	Asphalt Emulsion portion of Paving and Roofing Materials
40 CFR 445	Landfills

The phrase "toxic pollutant effluent standards" has been used by EPA exclusively as a technical reference to the standards at 40 CFR Part 129. Part 129 applies only to owners or operators of specified types of facilities (e.g., manufacturing, formulating, etc.) that involve the use of any of the following toxic pollutants: Aldrin/Dieldrin; DDT, DDD, DDE; Endrin; Toxaphene; Benzidine; and Polychlorinated biphenyls (PCBs).

All effluent limitations guidelines, except those listed below, in 40 CFR Subchapter N contain New Source Performance Standards (NSPS). *The following categories of Subchapter N facilities do not have new source performance standards:*

Oil and Gas Extraction (40 CFR 435)  
Mineral Mining and Processing (40 CFR 436)  
Gum and Wood Chemicals Manufacturing (40 CFR 454)  
Pesticide Chemicals (40 CFR 455)  
Explosives Manufacturing (40 CFR 457)  
Photographic (40 CFR 459)  
Hospital (40 CFR 460)

- (ii) *Facilities classified as Standard Industrial Classifications 24 (except 2434), 26 (except 265 and 267), 28 (except 283 and 285), 29, 311, 32 (except 323), 33, 3441, 373;*

24      Lumber and wood products, except furniture  
         Does not include 2434  
         2434 - wood kitchen cabinets

**Note:** SIC code 24 includes 241, logging, and 242, sawmills. At 40 CFR §122.27(b), "Silvicultural point source" is defined as any discernible, confined and discrete conveyance related to rock crushing, gravel washing, log sorting, or log storage facilities which are operated in connection with silvicultural activities and from which pollutants are discharged into waters of the United States. All other discharges from silvicultural activities are non-point sources and not subject to the requirements of this program.

- 26 Paper and allied products
  - Does not include 265 and 267
    - 265 - paperboard containers and boxes
    - 267 - misc. converted paper products
- 28 Chemicals and allied products
  - Does not include 283 and 285
    - 283 - Drugs
    - 285 - Paints and allied products
- 29 Petroleum refining and related industries
- 311 Leather tanning and finishing
- 32 Stone, clay, glass, and concrete products
  - Does not include 323
    - 323 - Products of purchased glass
- 33 Primary metal industries
- 3441 Fabricated structural metal
- 373 Ship and boat building and repairing

- (iii) *Facilities classified as Standard Industrial Classifications 10 through 14 (mineral industry) including active or inactive mining operations (except for areas of coal mining operations no longer meeting the definition of a reclamation area under 40 CFR 434.11(1) because the performance bond issued to the facility by the appropriate SMCRA authority has been released, or except for areas of non-coal mining operations which have been released from applicable State or Federal reclamation requirements after December 17, 1990) and oil and gas exploration, production, processing, or treatment operations, or transmission facilities that discharge storm water contaminated by contact with or that has come into contact with, any overburden, raw material, intermediate products, finished products, byproducts or waste products located on the site of such operations; (inactive mining operations are mining sites that are not being actively mined, but which have an identifiable owner/operator; inactive mining sites do not include sites where mining claims are being maintained prior to disturbances associated with the extraction, beneficiation, or processing of mined materials, nor sites where minimal activities are undertaken for the sole purpose of maintaining a mining claim);*

- 10 Metal mining
- 12 Coal mining
- 13 Oil and gas extraction
- 14 Mining and quarrying of nonmetallic minerals, except fuels

From 40 CFR §122.26(c)(1)(iii): *"The operator of an existing or new discharge composed entirely of storm water from an oil or gas exploration, production, processing, or treatment operation, or transmission facility is not required to submit a permit application in accordance with paragraph (c)(1)(i) of this section, unless the facility:"*

- (A) Has had a discharge of storm water resulting in the discharge of a reportable quantity for which notification is or was required pursuant to 40 CFR 117.21 or 40 CFR 302.6 at

anytime since November 16, 1987; or

(B) Has had a discharge of storm water resulting in the discharge of a reportable quantity for which notification is or was required pursuant to 40 CFR 110.6 at any time since November 16, 1987; or

(C) Contributes to a violation of a water quality standard.

(Comment: On a practical basis the most stringent requirement of (A) and (B) above is not to have a visible sheen of oil reach waters of the United States (or waters of the State if a delegated program). Depending on the pollutant, the minimum reportable quantities for hazardous substances range from one (1) pound to 5,000 pounds per day.)

From 40 CFR §122.26(c)(1)(iv): *The operator of an existing or new discharge composed entirely of storm water from a mining operation is not required to submit a permit application unless the discharge has come into contact with, any overburden, raw material, intermediate products, finished product, byproduct or waste products located on the site of such operations.*

- (iv) *Hazardous waste treatment, storage, or disposal facilities, including those that are operating under interim status or a permit under subtitle C of RCRA;*
- (v) *Landfills, land application sites, and open dumps that receive or have received any industrial wastes (waste that is received from any of the facilities described in any of these categories (i) - (xi)) including those that are subject to regulation under subtitle D of RCRA;*
- (vi) *Facilities involved in the recycling of materials, including metal scrapyards, battery reclaimers, salvage yards, and automobile junkyards, including but limited to those classified as Standard Industrial Classification 5015 and 5093;*
  - 5015 Motor vehicle parts, used
  - 5093 Scrap and waste materials
    - includes facilities engaged in assembling, breaking up, sorting, and wholesale distribution of scrap and waste materials such as automotive wrecking for scrap, scrap metal, plastic, paper, glass, rubber, oil etc.

Gas stations or repair shops that collect tires or batteries are not included in this category.

Municipal waste collection sites that collect bottles, cans or newspapers for recycling purposes are also not covered.

- (vii) *Steam electric power generating facilities, including coal handling sites;*

Heat capture co-generation facilities are not covered; however, dual fuel co-generation facilities, and steam electric generators at educational facilities are covered, and are required to apply for a permit.

- (viii) *Transportation facilities classified as Standard Industrial Classifications 40, 41, 42 (except 4221-25), 43, 44, 45, and 5171 which have vehicle maintenance shops, equipment cleaning*

*operations, or airport deicing operations. Only those portions of the facility that are either involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication), equipment cleaning operations, airport deicing operations, or which are otherwise identified under paragraphs (b)(14) (i)-(vii) or (ix)-(xi) of this section are associated with industrial activity;*

- 40 Railroad transportation
- 41 Local and suburban transit and interurban highway passenger transportation
- 42 Motor freight transportation and warehousing
  - Does not include 4221-25
    - 4221 - Farm product warehousing & storage
    - 4222 - Refrigerated warehousing & storage
    - 4225 - General warehousing and storage
- 43 United States Postal Service
- 44 Water Transportation
- 45 Transportation by Air
- 5171 Petroleum bulk stations & terminals

Most airports and flying fields need permit coverage if there is vehicle maintenance, equipment cleaning or deicing occurring. Deicing areas include, but are not limited to runways, taxiways, ramps, gates and areas where airplanes are deiced.

Does not include gas stations, automotive repair shops or truck stops.

- (ix) *Treatment works treating domestic sewage<sup>1</sup> or any other sewage sludge or wastewater treatment device or system, used in the storage treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated to the disposal of sewage sludge that are located within the confines of the facility, with a design flow of 1.0 mgd or more, or required to have an approved pretreatment program under 40 CFR part 403. Not included are farm lands, domestic gardens or lands used for sludge management where sludge is beneficially reused and which are not physically located in the confines of the facility, or areas that are in compliance with section 405 of the CWA;*

- (x) *Construction activity including clearing, grading and excavation, except operations that result in the disturbance of less than five acres of total land area. Construction activity also includes the disturbance of less than five acres of total land area that is a part of a larger common plan of development or sale if the larger common plan will ultimately disturb five acres or more,<sup>2</sup>*

Any construction activity that results in the disturbance of five acres of land or more in total is covered by the rule. Such activities may include road building (including those associated with oil and gas production), construction of houses, office buildings, industrial buildings, pipelines, and demolition activity. This does not apply to agricultural or silvicultural activities, which are exempt from NPDES permit requirements under 40 CFR §122.3.

"Part of a larger common plan of development or sale" describes a situation in which multiple construction activities are occurring on a contiguous area. The activities could be taking place at different times on different schedules. The key is that these different construction activities are

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<sup>1</sup> See discussion of Transportation Act of 1991 (page 7) for municipal exemption.

<sup>2</sup> See discussion of 9th Circuit Court Decision on page 8.

part of one common plan, common blueprint, or development.

- (xi) *Facilities under Standard Industrial Classifications 20, 21, 22, 23, 2434, 25, 265, 267, 27, 283, 285, 30, 31 (except 311), 323, 34 (except 3441), 35, 36, 37 (except 373), 38, 39, 4221-25;*

20	Food and kindred products
21	Tobacco products
22	Textile mill products
23	Apparel and other finished products made from fabrics and similar materials
2434	Wood kitchen cabinets
25	Furniture and fixtures
265	Paperboard containers and boxes
267	Misc. converted paper products
27	Printing, publishing, and allied industries
283	Drugs
285	Paints and allied products
30	Rubber and miscellaneous plastics products
31	Leather and leather products
	Does not include 311
	311 - Leather tanning and finishing
323	Products of purchased glass
34	Fabricated metal products, except machinery and transportation equipment
	Does not include 3441
	3441 - Fabricated structural metal
35	Industrial and commercial machinery and computer equipment
36	Electronic and other electrical equipment and components, except computer equipment
37	Transportation equipment
	Does not include 373
	373 - Ship and boat building and repairing
38	Measuring, analyzing, and controlling instruments: photographic, medical and optical goods; watches and clocks
39	Miscellaneous manufacturing industries
4221	Farm product warehousing and storage
4222	Refrigerated warehousing and storage
4225	General warehousing and storage

## **SMALL CONSTRUCTION**

**(40 CFR §122.26(b)(15))**

- (i) *Construction activities including clearing, grading, and excavating that result in land disturbance of equal to or greater than one acre and less than five acres. Small construction activity also includes the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than one and less than five acres. Small construction does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the facility. The Director may waive otherwise applicable requirements in a general permit for a storm water discharge from construction activities that disturb less than five acres where:*
- (A) The value of the rainfall erosivity factor ("R" in the Revised Universal Soil Loss Equation) is less than five during the period of construction activity. An operator must certify to the*



*Director that the construction activity will take place during a period when the value of the rainfall erosivity factor is less than five; or*

*(B) Storm water controls are not needed based on a “total maximum daily load” (TMDL) approved or established by EPA that addresses the pollutant(s) of concern or, for non-impaired waters that do not require TMDLs, an equivalent analysis that determines allocations for small construction sites for the pollutant(s) of concern or that determines that such allocations are not needed to protect water quality based on consideration of existing in-stream concentrations, expected growth in pollutant contributions from all sources, and a margin of safety. For the purpose of this paragraph, the pollutant(s) of concern include sediment or a parameter that addresses sediment (such as total suspended solids, turbidity, or siltation) and any other pollutant that has been identified as a cause of impairment of any water body that will receive a discharge from the construction activity. The operator must certify to the Director that the construction activity will take place, and storm water discharges will occur, within the drainage area addressed by the TMDL or equivalent analysis.*

- (ii) *Any other construction activity designated by the Director, or in States with approved NPDES programs either the Director or the EPA Regional Administrator, based on potential for contribution to a violation of a water quality standard or for significant contribution of pollutants to waters of the United States.*

Projects that meet the definition of Small Construction need to apply for coverage as of March 10, 2003 unless designated for coverage before then.

## **NO EXPOSURE**

### **(40 CFR §122.26(g))**

**Conditional permitting exclusion for “no exposure” of industrial activities and materials to storm water.** Except for construction, discharges composed entirely of storm water are not storm water discharges associated with industrial activity if there is “no exposure” of industrial materials and activities to rain, snow, snow melt and/or runoff, and the discharger satisfies the conditions of §122.26(g)(1) through §122.26(g)(4). To qualify for this exclusion from permitting the operator of the discharge must: 1) provide a storm resistant shelter to protect industrial materials and activities from exposure to rain, snow, snow melt, and runoff; 2) complete and sign a certification, using a no exposure certification form provide by EPA or an approved State, that there are no discharges of storm water contaminated by exposure to industrial materials and activities from the entire facility except as allowed in paragraph (g)(2); 3) submit the signed certification form to the NPDES permitting authority every five years; 4) allow the Director to inspect the facility to determine compliance with the “no exposure” conditions; 5) allow the Director to make any “no exposure” inspection reports available to the public upon request; 6) for facilities that discharge through and MS4, upon request, submit a copy of the no exposure certification form to the MS4 operator, and allow the MS4 operator to inspect and publically report that information.

Paragraph (g)(2): *Industrial materials and activities not requiring a storm resistant shelter.* To qualify for the no exposure permitting exclusion, storm resistant shelter is not required for: 1) drums, barrels, tanks, and similar containers that are tightly sealed, provided those containers are not deteriorated and do not leak. “Sealed” means banded or otherwise secured and without operational taps or valves; 2) adequately maintained vehicles used in material handling; and 3) final products, other than products that would be mobilized in storm water discharge (e.g., rock salt). See EPA’s No Exposure guidance for more information.

## **TRANSPORTATION ACT OF 1991**

**MUNICIPAL EXEMPTION:** The Transportation Act of 1991 provided a temporary exemption from storm water permitting requirements for certain industrial activities owned or operated by municipalities with a service population of less than 100,000. **Currently**, such municipalities must submit storm water discharge permit applications only for airports, powerplants, and uncontrolled sanitary landfills that they own or operate. The Transportation Act defines "uncontrolled sanitary landfill" as a landfill or open dump, whether in operation or closed, that does not meet the requirements for run-on and run-off controls established pursuant to subtitle D of the Solid Waste Disposal Act. **No later than March 10, 2003** any storm water discharge associated with industrial activity from a facility that is owned or operated by a municipality with a population of less than 100,000 must apply for permit coverage (See 40 CFR §122.26(e)(1)(ii)). This includes large and small construction activities.

## **9th CIRCUIT COURT DECISION**

The 9th Circuit United States Court of Appeals' opinion in NRDC v. EPA (June 4, 1992) invalidated and remanded for further proceedings two regulatory exemptions from the definition of "storm water discharges associated with industrial activity": (1) the exemption for construction sites disturbing less than 5 acres of land (category x), and (2) the exemption of certain "light" manufacturing facilities without exposure of materials and activities to storm water (category xi). In response to these two remands, the Agency promulgated the Phase II rule on December 8, 1999 which requires construction activities between 1 and 5 acres to apply for permit coverage by March 2003. The Phase II rule also includes provisions for a permitting exclusion for no exposure. See discussion of the no exposure above.

## **WHAT IS CONSIDERED A POINT SOURCE (40 CFR §122.2)**

The intent of the following is to provide clarification on the terms "point source" and "discharge" under the storm water regulations. A point source is defined at 40 CFR §122.2 as "any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural storm water runoff." EPA notes that this definition would encompass municipal separate storm sewers. In view of this comprehensive definition of point source, EPA needs to clarify in this rulemaking only that a storm water discharge subject to NPDES regulation does not include storm water that enters the waters of the United States via means other than a "point source."

As further discussed below, storm water from an industrial facility which enters and is subsequently discharged through a municipal separate storm sewer is a discharge associated with industrial activity which must be covered by an individual or general permit pursuant to today's rule (55 FR 47997, November 16, 1990).

EPA would also note that individual facilities have the burden of determining whether a permit application should be submitted to address a point source discharge. Those unsure of the classification of storm water flow from a facility, should file permit applications addressing the flow, or prior to submitting the application consult permitting authorities for clarification.

EPA intends to embrace the broadest possible definition of point source consistent with the legislative intent of the CWA and court interpretations to include any identifiable conveyance from which pollutants might enter the waters of the United States. In most court cases interpreting the term "point source", the term has been interpreted broadly. For example, the holding in Sierra Club v. Abston Construction Co.,

Inc., 620 F.2d 41 (5th Cir. 1980) indicates that changing the surface of land or establishing grading patterns on land will result in a point source where the runoff from the site is ultimately discharged to waters of the United States. That case holds:

Simple erosion over the material surface, resulting in the discharge of water and other materials into navigable waters, does not constitute a point source discharge, absent some effort to **change the surface**, to **direct** the water flow or otherwise impede its progress . . . Gravity flow, resulting in a discharge into a navigable body of water, may be part of a point source discharge if the [discharger] at least initially collected or channeled the water and other materials. A point source of pollution may also be present where [dischargers] design spoil piles from discarded overburden such that, during periods of precipitation, erosion of spoil pile walls results in discharges into a navigable body of water by means of ditches, gullies and similar conveyances, even if the [dischargers] have done nothing beyond the mere collection of rock and other materials . . . Nothing in the Act relieves [dischargers] from liability simply because the operators did not actually construct those conveyances, so long as they are reasonably likely to be the means by which pollutants are ultimately deposited into a navigable body of water. Conveyances of pollution formed either as a result of natural erosion or by material means, and which constitute a component of a . . . drainage system, may fit the statutory definition and thereby subject the operators to liability under the Act." 620 F.2d at 45 (emphasis added).

Under this approach, discharges of storm water resulting from structures which increase the imperviousness of the ground which acts to collect runoff, with runoff being conveyed along the resulting drainage or grading patterns, are point source discharges.

The entire thrust of the regulation is to control pollutants that enter receiving water from storm water conveyances. It is these conveyances that will carry the largest volume of water and higher levels of pollutants. The storm water permit application process and permit conditions will address circumstances and discharges peculiar to individual facilities.

In summary, if storm water runoff can be traced from a definite source of pollution to waters of the United States and the other criteria are met (e.g., meets the definition of associated with industrial activity), there is a very good likelihood that a permit is required for that discharge of storm water.

## **WHAT ARE WATERS OF THE UNITED STATES**

Waters which are (or have been) used for interstate or foreign commerce including waters subject to the ebb and flow of the tide; interstate waters, (including wetlands); lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, including tributaries to any of these waters. Also included are irrigation canals. Some State definitions of waters of the State also include roadside ditches and other rights of way. For a complete definition of waters of the United States see 40 CFR §122.2.

Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of the Clean Water Act are not waters of the United States. This exclusion applies only to manmade bodies of water which neither were originally created in waters of the United States nor resulted from the impoundment of waters in the United States. Note: at 45 FR 48620, July 21, 1980, the Environmental Protection Agency suspended until further notice in §122.2, the last sentence, beginning "This exclusion applies ..."

## **STORM WATER (40 CFR §122.25(b)(13))**

Storm water means storm water runoff, snow melt runoff, and surface runoff and drainage.

## **MUNICIPAL SEPARATE STORM SEWER (40 CFR §122.26(b)(8))**

Means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains): 1) Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State law such as sewer district, flood control district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States; 2) Designed or used for collecting or conveying storm water; 3) Which is not a combined sewer; and 4) Which is not part of a publicly owned treatment works (POTW) as defined at 40 CFR §122.2.

## **CONSTRUCTION GENERAL PERMITS**

EPA reissued construction general permits for Regions 1, 2, 3, 5,6,7, 8, 9, and 10 on July 1, 2003. This included 7 permit areas within Region 8, namely Colorado Federal facilities; Colorado Indian country; Montana Indian country; North Dakota Indian country; South Dakota Indian country; Utah Indian country; and Wyoming Indian country. The permits, as well as notice of intent (NOI), notice of termination (NOT) forms and other supporting documentation is available on Region 8's Internet web site at: "<http://www.epa.gov/region08/water/stormwater/construction.html>" or upon request. Additional information on EPA's construction permitting requirements is available on EPA Headquarter's Internet site at: "<http://cfpub.epa.gov/npdes/stormwater/cgp.cfm>". These permits expire on June 30, 2008.

## **INDUSTRIAL GENERAL PERMITS**

EPA reissued the Multi-Sector General Permits (MSGP) for storm water discharges from industrial activities for Regions 1, 2, 3, 4, 6, 8, 9 and 10 on October 30, 2000. This included 7 permit areas within Region 8, namely Colorado Federal facilities; Colorado Indian country; Montana Indian country; North Dakota Indian country; South Dakota Indian country; Utah Indian country; and Wyoming Indian country. The NOI, NOT and Federal Register version of the permits are available on EPA Headquarter's Internet site at: "[http://cfpub1.epa.gov/npdes/stormwater/msgp.cfm?program\\_id=6](http://cfpub1.epa.gov/npdes/stormwater/msgp.cfm?program_id=6)", or upon request. These permits expire on October 30, 2005.

## **PHASE II STORM WATER REGULATIONS**

The final Phase II storm water regulations were published in the Federal Register (FR) on December 8, 1999 (64 FR 68721). The regulations also require small MS4s located within urbanized areas, as defined by the Census Bureau, or designated by the permitting authority, to apply for storm water permit coverage by March 10, 2003.